

**CITY OF KANNPOLIS, NC
PLANNING AND ZONING COMMISSION
Minutes of Regular Meeting
February 3, 2016**

The Kannapolis Planning and Zoning Commission met on Wednesday, February 3, 2016 at 6:00 PM in the Laureate Center at 401 Laureate Way, Kannapolis, North Carolina.

Commission Members Present: Chairman David Baucom
Vice-Chairman Scott Trott
Chris Puckett
Bob Caison
William Cranford
David Steele
Alan Overcash

Commission Members Absent: None

Visitors: John Planck
Joe Youannas

Staff Present: Zachary D. Gordon, AICP, Planning Director
Aaron Tucker, Planning Technician
David Jordan, IT

Recording Secretary: Pam Scaggs

CALL TO ORDER

Commission Chairman David Baucom called the meeting to order at 6:00 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

Recording Secretary Pam Scaggs called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Chairman Baucom stated that he received Mr. Gordon's email regarding the removal of the Farm Hill Small Area Plan Presentation from the agenda and asked if there were any further changes and Mr. Gordon confirmed that there were no additional changes.

APPROVAL/CORRECTION OF MINUTES

Chairman Baucom requested a motion to approve the January 6, 2016 minutes which was made by Mr. Trott, seconded by Mr. Steele and the motion was unanimously approved.

CONTINUATION HERITAGE OAKS ESTATES ZONING MAP AMENDMENT – Z-2015-08

Planning Director, Zac Gordon reminded the Commission that Case #Z-2015-08 was a continuation from the public hearing on January 6, 2016 and explained that the hearing was continued because an error was discovered and Staff did not want to recommend approval for a change that was not consistent with the Land Use Plan (LUP). Mr. Gordon presented a PowerPoint detailing Case #Z-2015-08 which requests rezoning from RV-CZ – Residential Village – Conditional Zoning to RV-CZ – Residential Village – Conditional Zoning, as amended. The applicant is Yousef Youannas and the property owner is Blue Jay Properties, LP. The property is identified by Cabarrus County Parcel Identification Number 5633-99-4201

1 and comprises approximately 3.51 acres and is located on Heritage Oaks Drive. Mr. Gordon stated that
2 notice of the public hearing had been mailed to adjacent property owners on January 22, appropriate signage
3 was posted on December 30, 2015 and that notice was published in the paper on January 27 and January
4 29, 2016.

5
6 Mr. Gordon directed attention to the aerial and current zoning maps for the subject property as well as the
7 Future Land Use Map where he pointed out 2015 recommended zoning for surrounding property is Single
8 Family Residential with a maximum of two (2) units per acre. Surrounding property is zoned four (4) units
9 per acre as well as light commercial and light industrial to the west.

10
11 Mr. Gordon stated that the subject property was proposed to be rezoned in April 2002 as part of another
12 rezoning case but was omitted because it was not located within the City limits. The property was
13 subsequently annexed by the City in 2002 and, in anticipation of the property being part of a 266-lot
14 detached single family development, was originally rezoned RV-CZ – Residential Village – Conditional
15 Zoning from LDR – Low Density Residential (Cabarrus County Zoning) in rezoning case #Z-217. Mr.
16 Gordon stated that the applicant is requesting that the subject property be rezoned from RV-CZ to RV-CZ,
17 as amended, so the property will no longer be tied to the conditions associated with the original conditional
18 rezoning of the property.

19
20 Mr. Gordon reviewed the questions outlined in Section 3.3.5 of the UDO that the Planning and Zoning
21 Commission may consider in reviewing an application for a rezoning. He reminded the Commission that
22 the 2015 Land Use Plan (LUP) recommends single family residential use of this property at a density of 2
23 units per acre. The use of single family residential development has historically been allowed, and is
24 currently a permitted use, within this RV-CZ zoning district. Since the proposed rezoning represents a
25 density of less than the 2 units per acre recommended by the LUP, staff believes that the proposed rezoning
26 is consistent with the 2015 Land Use Plan and the UDO and recommends approval with the following
27 conditions:

- 28
29 1. A maximum of five (5) lots be permitted on the subject property, with no further subdivision to
30 occur;
31 2. Water and sewer service be provided for each of the lots being created (in this case well and septic);
32 3. All necessary permits and approvals are obtained from the City of Kannapolis, Cabarrus County
33 and State of North Carolina, prior to development of any of the five (5) lots being created.
34

35 Mr. Gordon reminded the Commission of the actions requested and asked if there were any questions.
36

37 There being no questions or comments from the Commission, Chairman Baucom opened the Public Hearing
38 at 6:18 PM.
39

40 There being no questions or comments from the floor, Chairman Baucom closed the Public Hearing at 6:19
41 PM.
42

43 Chairman Baucom read the Statement of Consistency contained in the staff report and asked for a motion
44 to approve which was made by Mr. Steele, seconded by Mr. Puckett and the motion was unanimously
45 approved.
46

47 Chairman Baucom asked for a motion to approve the Resolution to Zone as presented, subject to the
48 conditions recommended by Staff, which was made by Mr. Trott, seconded by Mr. Caison and the motion
49 was unanimously approved.
50
51

1 **PLANNING DIRECTOR UPDATE**

2 Mr. Gordon explained his reasoning for pulling the Farm Hill Small Area Plan from the agenda and stated
3 that once the document is finalized, he will mail to the Commission members and request that they each
4 provide comments or changes by the next meeting scheduled for March 2, 2016.
5

6 Mr. Gordon stated that a 2015 Summary Report will be forwarded to the Commission which outlines both
7 residential and commercial permits that were issued. Mr. Gordon noted that a monthly report would be
8 sent out as well to keep the Commission better informed. He further noted that while both residential and
9 commercial development were down, there were still a lot of permits issued. He predicted that 2016 would
10 be another good year for development.
11

12 The Planning department will be moving into the new City Hall building February 27th and 28th and be fully
13 operational by February 29, 2016.
14

15 Final interviews for the Senior Planner position are being conducted and the plan is to have the position
16 filled by the next Commission meeting in March.
17

18 The scope of work for the Comprehensive Plan should be completed by the end of April and will be
19 submitted to the Commission for their review and input, prior to the scope being issued as part of a "Request
20 for Qualification (RFQ)". The goal is to have a consultant on board to begin work by early fall.
21

22 **ADDITIONAL ITEMS:**

23 Mr. Caison asked if the Farm Hill Plan will still be going to City Council on February 22nd as planned? Mr.
24 Gordon responded that it will not.
25

26 Mr. Trott asked about the status of the property located at the end of Rogers Lake Road and Kannapolis
27 Parkway? Mr. Gordon stated that the case was heard by the Board of Adjustment on January 19 and was
28 denied. He further stated that the same applicant will be requesting a rezoning at the March Planning and
29 Zoning meeting. Chairman Baucom asked what the next course of action will be for the applicant since the
30 Board denied the Conditional Use Permit? Mr. Gordon responded that the applicant would have to appeal
31 to the Superior Court if he so desired. Mr. Baucom why it would not be appealed to the City Council? Mr.
32 Gordon responded that Board of Adjustment cases are quasi-judicial cases and are appealed to Superior
33 Court and that Planning and Zoning cases are appealed to City Council.
34

35 Mr. Caison stated that they have approved a lot of rezoning cases but have not seen any construction and
36 have asked if there a wait time involved between approval and construction? Mr. Gordon responded that
37 sometimes there is a delay but in some cases, plans fall through as is the case with the proposed age
38 restricted facility for Kannapolis Parkway.
39

40 Chairman Baucom asked why the Board of Adjustment denied the case previously asked about. Mr. Gordon
41 stated the Board felt the intensity of the proposed development was not in harmony with the abutting Pine
42 Creek or Dogwood neighborhoods.
43

44 Mr. Gordon indicated that the proposed Dale Earnhardt grocery store was approved by City Council at their
45 January 25, 2016 meeting. He stated that the next step is for the applicant to go to Board of Adjustment for
46 a Watershed Boundary adjustment.
47

48 Chairman Baucom then addressed the Commission and reminded them that, while they hear a lot of cases
49 and many different opinions are expressed, it is the responsibility of the Commission to know and
50 understand zoning and to consider both the rights of the property owner as well as the adjacent property
51 owners.

1 Mr. Gordon provided an update on the downtown redevelopment efforts. Chairman Baucom asked if there
2 are plans to renovate or update the corridors coming into downtown. Mr. Gordon noted that City Council
3 recognizes the importance of these corridors, and that the Comprehensive Plan update will address these
4 corridors in greater detail.
5

6 Mr. Puckett asked if the redevelopment of downtown will remain in the current Old Williamsburg style or
7 will there be updates to building aesthetics? Mr. Gordon responded that the design elements will not be
8 limited to the historic Williamsburg colonial style but incorporate modern and contemporary styles as well.
9

10 **ADJOURN:**

11 There being no further business, questions or comments, the meeting adjourned at 6:52 PM on Wednesday,
12 February 3, 2016.
13

14 

15 David Baucom, Chairman
16 Planning and Zoning Commission

17 

18 Pam Scaggs, Recording Secretary
19 Planning and Zoning Commission
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